



City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3012147
Applicant Name: Jeremy Lightsmith
Address of Proposal: 7001 24th Ave NW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 1,677 sq. ft. change of use from community center to institution (Light House Montessori School Child Care).

The following approval is required:

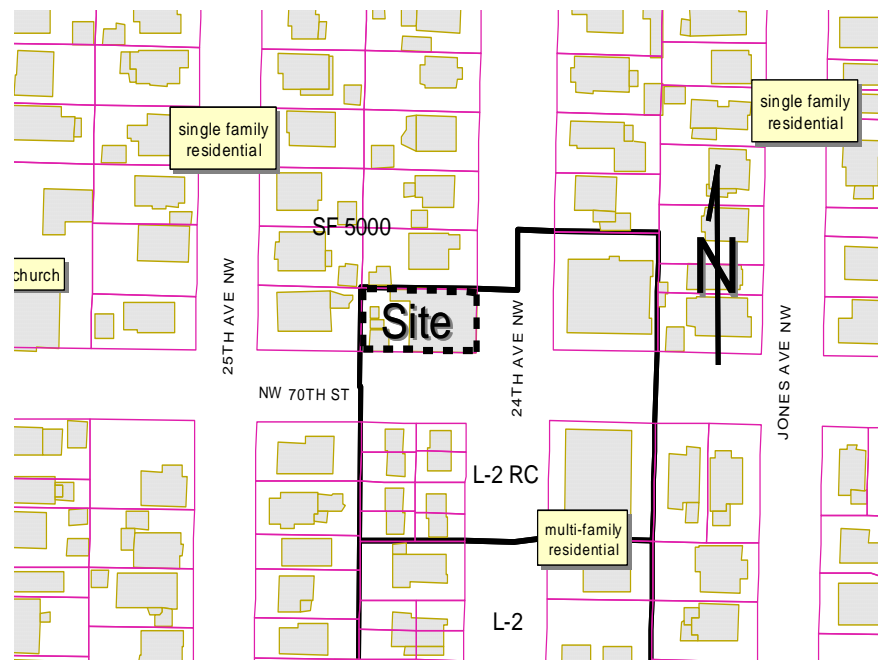
Administrative Conditional Use - To expand an institution not meeting development standards in a Lowrise 2 Residential Commercial (LR2-RC) zone. (Seattle Municipal Code 23.45.506 and 570)

BACKGROUND DATA

Site and Vicinity Description

The site is located on the northwest corner of NW 70th St and 24th Ave NW, within a Multi-family Lowrise 2 Residential/Commercial zone (LR2 RC). Nearby zones include Lowrise 2 (LR2) to the south and east, and Single Family 5000 (SF 5000) abutting to the north and west.

The subject property includes an existing retail store on the ground floor and three residential units on the second floor. The structure previously housed the Ballard Food Bank in the tenant space to be occupied by the proposed Montessori School. Surrounding uses include single family to the north and west and multi-family residential to the south and east. Nearby institutions include a church to the west on the northeast corner of 26th Ave NW and NW 70th St, which is one block (approximately 260') to the west. Another church is located to the east, at the northeast corner of 23rd Ave NW and NW 70th St (2 blocks, or approximately 605' away).



This site is located in the north end of the Ballard Neighborhood, but is not located within any Urban Village overlay area. There is one arterial street bordering the site, 24th Ave NW. The area is characterized by single family and multifamily uses, with two nearby institutions (churches). The surrounding area slopes slightly down to the south.

Proposal Description

The proposal is to convert one existing institution (Ballard Food Bank) to another (Light House Montessori School Child Care). The proposed use will occupy about 1677 sq. ft. on the first floor of an existing structure (about half of the ground floor). According to information provided by the applicant, the Montessori School will be licensed by Department of Early Learning as a child care center. Operating hours will be 7 a.m. to 6 p.m. The total number of students will be fifteen, aged 2-1/2 years to 6 years of age. There will be three staff members. A 767 sq. ft. outdoor, grass play area is proposed.

Public Comment

Three comment letters were received during the public comment period which ended on May 4, 2011.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

SMC 23.42.042 Administrative Conditional Use – General Provisions

A. Administrative conditional uses and uses requiring Council approval as provided in the respective zones of Subtitle III, Part 2, of this Land Use Code, and applicable provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, may be authorized according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

The procedural requirements of SMC Chapter 23.76 have been followed.

B. In authorizing a conditional use, the Director or City Council may impose conditions to mitigate adverse impacts on the public interest and other properties in the zone or vicinity.

This decision shall be based on whether the proposed use meets the development criteria and conditional use criteria as described in SMC 23.45.506, below. The City recognizes the public benefit that institutions such as child care centers have made by providing opportunities and services to their communities. The criteria for establishing this use shall be examined, and the project will be conditioned, if necessary, to mitigate any adverse impacts on the public interest and other properties in the zone or vicinity.

C. The Director may deny or recommend denial of a conditional use if the Director determines that adverse impacts cannot be mitigated satisfactorily, or that the proposed use is materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

See analysis, below.

D. A use that was legally established but that is now permitted only as a conditional use is not a nonconforming use and will be regulated as if a conditional use approval had earlier been granted.

This criterion is not applicable.

E. Any authorized conditional use that has been discontinued may not be re-established or recommenced except pursuant to a new conditional use permit. The following will constitute conclusive evidence that the conditional use has been discontinued:

- 1. A permit to change the use of the lot has been issued and the new use has been established; or*
- 2. The lot has not been used for the purpose authorized by the conditional use for more than 24 consecutive months. Lots that are vacant, or that are used only for storage of materials or equipment, will not be considered as being used for the purpose authorized by the conditional use. The expiration or revocation of business or*

other licenses necessary for the conditional use will suffice as evidence that the lot is not being used as authorized by the conditional use. A conditional use in a multifamily structure or a multi-tenant commercial structure will not be considered discontinued unless all portions of the structure are either vacant or committed to another use.

This criterion is not applicable.

Residential Commercial Conditional Uses

SMC 23.46.006A. Conditional use provisions of the applicable residential zone shall apply to all noncommercial conditional uses.

Child care centers are considered a type of Institutional use in the Land Use Code. Institutions are noncommercial uses. Therefore, the Administrative Conditional Use provisions of the LR2 zoning apply to this proposal.

Lowrise 2 (LR2) General Provisions

SMC 23.45.504 Permitted and prohibited uses

A. All uses are permitted outright, prohibited or permitted as a conditional use according to Table A for 23.45.504 and this Section 23.45.504. Uses not referred to in Table A are prohibited, unless otherwise indicated in this Chapter 23.45 or Chapters 23.51A or 23.51B.

According to Table A, Institutions (including child care centers), are permitted outright if all development standards are met. Institutions not meeting development standards are permitted as administrative conditional uses pursuant to SMC 23.45.506. Since the child care center is to be located in an older existing building, the proposed use would not meet the LR2 zone development standards for structure width and depth, front and side setbacks, parking quantity, and dispersion from other institutions. The proposed use is therefore required to meet the criteria for an Administrative Conditional Use.

SMC 23.45.506 Administrative Conditional Uses

A. Uses permitted as administrative conditional uses in Section 23.45.504, may be permitted by the Director when the provisions of Section 23.42.042 and this Section 23.45.506 are met.
See analysis of the applicable criteria, below.

B. Unless otherwise specified in this Chapter 23.45, conditional uses shall meet the development standards for uses permitted outright.

As noted above, the child care center is to be located in an older existing building which does not meet current LR2 zone development standards for structure width and depth, front and side setbacks, parking quantity, and dispersion from other institutions. If development standards were met, the use would be permitted outright. Since development standards are not met, the proposal must meet the criteria for an Administrative Conditional Use.

C. Institutions other than public schools not meeting the development standards of 23.45.570, Institutions, and Major Institution uses as provided in Chapter 23.69, may be permitted subject to the following:

- 1. Bulk and Siting. In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, the Director may modify the applicable development standards for modulation, landscaping, provision of open space, and structure width, depth and setbacks. In determining whether to allow such modifications, the Director shall balance the needs of the institution against the compatibility of the proposed institution with the residential scale and character of the surrounding area.***

The proposed child care facility will be located in an existing structure, a portion of which was previously in institutional use. As noted above, the existing structures and site do not meet several of the development standards for institutions in an LR2 zone. No additional structures have been constructed or are proposed, with the exception of a six-foot, solid wood fence along the north and west property lines (as shown on the plans) which will enclose the proposed outdoor play area. The proposed fence meets development standards. The existing structure is reasonably compatible with the residential scale and character of the neighborhood and no changes are proposed to bulk and siting which will decrease that compatibility.

- 2. Dispersion Criteria. An institution that does not meet the dispersion criteria of Section 23.45.570 may be permitted by the Director upon determination that it would not substantially worsen parking shortages, traffic safety hazards, and noise in the surrounding residential area.***

SMC 23.45.570.J. Dispersion, reads:

“The lot line of any new or expanding institution locating within a legally established institution shall be located 600 feet or more from any lot line of any other institution in a residential zone with the following exceptions:

- 1. An institution may expand even though it is within 600 feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.***
- 2. A proposed institution may be located less than 600 feet from a lot line of another institution if the Director determines that the intent of dispersion is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, that provide substantial separation from other institutions.”***

As noted in the project description, the proposed child care center is located within 600 feet of a church which is located approximately 260 feet to the west. The exception provided for locating within 600 feet of a public school does not apply. There are no bodies of water, large open spaces, topographical breaks, arterials, freeways or nonresidential uses that provide substantial separation from the other institutional uses.

Regarding parking, as shown on the site plan, the property has an existing parking deficit of 17 spaces. This deficit is being reduced to 15 as a result of the proposed change of use. One existing parking stall will remain. No additional parking spaces are required.

There are two existing loading zones adjacent to the property. One is located on 24th Ave. NW and one is located on NW 70th St., abutting the site. The Seattle Department of Transportation (SDOT) indicates they have no plans to remove the loading zones. Drop-offs and pickups will occur between 7 a.m. and 9 a.m. and 3 p.m. and 6 p.m. Based on their experience at a previous school site with a slightly larger enrollment (20 students), school staff report that only about one fifth of parents typically are present at any one time, with one or two present occurring most frequently. The existing loading zones are anticipated to adequately accommodate the loading needs of the proposed school.

Regarding noise, the outdoor play area will be used between the hours of 9 a.m. and noon and 2 p.m. and 5 p.m. weekdays. There is an existing six-foot fence along the northern property line and another six-foot fence is proposed along the western property line. Both fences are solid wood. The north and west property lines abut single family residences, however, in both cases the residences are located such that driveways separate the houses from the school and the houses are set back from the subject property about 20 feet on the north and 40 feet on the west. Existing structures on the property to the north, including a fence and a garage, provide additional separation. The fences and existing setbacks and other structures are anticipated to adequately mitigate any increased noise associated with the use of the outdoor play area. Other noise impacts are not anticipated to require mitigation.

For all of these reasons, it is not anticipated that the proposal will substantially worsen parking shortages, traffic safety hazards, and noise in the surrounding residential area.

- 3. Noise. The Director may condition the permit in order to mitigate potential noise problems. Measures the Director may require for this purpose include, but are not limited to the following: landscaping, sound barriers, fences, berms, adjustments to yards or the location of refuse storage areas, location of parking areas and access, structural design modifications, and regulating hours of use.**

The majority of the activities will be located inside the building. There will be an outdoor play area in use during weekdays. The outdoor play area will be surrounded by a six-foot solid-wood fence. As described above, the fences, existing setbacks, and other structures are anticipated to adequately mitigate any increased noise associated with the use of the outdoor play area. Other noise impacts are not anticipated to warrant mitigation.

- 4. Transportation Plan. A transportation plan is required for proposed new institutions and for those institutions proposing to expand larger than 4,000 square feet of floor area and/or required to provide 20 or more new parking spaces. The Director may condition a permit to mitigate potential traffic and parking impacts pursuant to a Transportation Management Plan or Program as described in directors rules governing such plans or programs. The Director will determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution.**

The applicant has provided the following information with regard to transportation: All three employees live within three miles of the school, and they will be biking and taking public transportation. There is a Metro Bus Route (No. 75) on 24th Ave NW with 30 minute headways. Staff members are not expected to drive to work or require parking.

As described above, there is an existing parking deficit of 17 parking spaces for the subject property that will be reduced to a 15 space deficit by the proposal. An existing on-site parking space will remain. Loading and unloading are also described above, and are expected to be adequately accommodated by the existing loading zones on both 24th Ave. NW and NW 70th St.

No additional mitigation is warranted.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The conditional use application is **APPROVED**.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

None.

Signature: (signature on file)
Molly Hurley, Senior Land Use Planner
Department of Planning and Development

Date: June 9, 2011